

United States Postal Service

§ 956.5

rules shall not apply to appeals docketed prior to their effective dates.

[60 FR 57939, Nov. 24, 1995]

PART 956—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO DISCIPLINARY ACTION FOR VIOLATION OF RESTRICTIONS ON POST-EMPLOYMENT ACTIVITY

Sec.

- 956.1 Authority for rules.
- 956.2 Scope of rules.
- 956.3 Definitions.
- 956.4 Initiation of proceedings.
- 956.5 Answer.
- 956.6 Hearing election.
- 956.7 Notice of hearing.
- 956.8 Reply.
- 956.9 Service and filing of documents for the record.
- 956.10 Respondent's failure to appear at the hearing.
- 956.11 Amendment of pleadings.
- 956.12 Continuances and extensions.
- 956.13 Hearings.
- 956.14 Appearances.
- 956.15 Presiding officer.
- 956.16 Burden of proof and evidence.
- 956.17 Discovery—depositions.
- 956.18 Interrogatories to parties, admission of facts, and production of documents.
- 956.19 Transcript.
- 956.20 Proposed findings and conclusions.
- 956.21 Decisions.
- 956.22 Exceptions to initial decision or tentative decision.
- 956.23 Judicial Officer.
- 956.24 Motion for reconsideration.
- 956.25 Modification or revocation of orders.
- 956.26 Computation of time.
- 956.27 Official record.
- 956.28 Ex parte communications.

AUTHORITY: 18 U.S.C. 207(j), 39 U.S.C. 204, 401.

SOURCE: 49 FR 40771, Oct. 17, 1984, unless otherwise noted.

§ 956.1 Authority for rules.

The rules in this part are issued by the Judicial Officer of the Postal Service pursuant to authority delegated by the Postmaster General (39 U.S.C. 204, 401).

§ 956.2 Scope of rules.

The rules in this part shall be applicable in all formal proceedings before the Postal Service pertaining to proposed disciplinary action initiated under § 447.34(e) of this title.

§ 956.3 Definitions.

(a) The term *Ethical Conduct Officer* has the same meaning as in § 447.31 of this title and includes his authorized representative.

(b) *Respondent* means any individual who has been served a written notice of proposed disciplinary action pursuant to § 447.34 of this title.

(c) The *Recorder* means the Recorder of the U.S. Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201-3078.

[49 FR 40771, Oct. 17, 1984, as amended at 63 FR 66051, Dec. 1, 1998]

§ 956.4 Initiation of proceedings.

(a) The Ethical Conduct Officer shall initiate a proceeding by serving upon the proposed respondent a written notice of proposed disciplinary action in the manner hereinafter (§ 956.9(d)) provided for the service of all other papers.

(b) The notice shall:

(1) State that disciplinary action is being proposed;

(2) Inform the respondent of the subsection of section 207 (18 U.S.C. 207) that he is alleged to have violated and of the basis of the allegation;

(3) Inform the respondent of the disciplinary action which is proposed;

(4) Advise the respondent that he may oppose the proposed disciplinary action by filing an answer within 20 days following receipt of the notice;

(5) State that the disciplinary action will not become effective until after a final agency decision is issued;

(6) Inform the respondent of the rules in this part, a copy of which shall be enclosed with the notice.

(c) If no answer is filed within 20 days following the receipt of the notice, the proposed disciplinary action set forth in the notice shall become the final agency decision without further notice to the respondent.

§ 956.5 Answer.

Within 20 days from receipt of the notice of proposed disciplinary action, the respondent may file an answer setting forth simple, concise, and direct statements admitting, denying or explaining each of the allegations set forth in the notice.